

3745-109-21

CAIR NOx ozone season opt-in units.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules, and federal statutory provisions referenced in this rule, see the last paragraph of rule 3745-109-01 of the Administrative Code titled "Incorporation by Reference."]

(A) Applicability.

A CAIR NOx ozone season opt-in unit must be a unit that:

- (1) Is located in the state;
- (2) Is not a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code and is not covered by a retired unit exemption under paragraph (D) of rule 3745-109-01 of the Administrative Code that is in effect;
- (3) Is not covered by a retired unit exemption under 40 CFR 72.8 that is in effect;
- (4) Has or is required or qualified to have a Title V operating permit or other federally enforceable permit; and
- (5) Vents all of its emissions to a stack and can meet the monitoring, record keeping, and reporting requirements of rule 3745-109-20 of the Administrative Code.

(B) General requirements.

- (1) Except as otherwise provided in paragraphs (A) to (C) and (E) to (G) of rule 3745-109-01 of the Administrative Code, and rules 3745-109-15, 3745-109-16, 3745-109-18 and 3745-109-20 of the Administrative Code, a CAIR NOx ozone season opt-in unit shall be treated as a CAIR NOx ozone season unit for purposes of applying such paragraphs and rules.
- (2) Solely for purposes of applying, as provided in this rule, the requirements of rule 3745-109-20 of the Administrative Code to a unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under this rule, such unit shall be treated as a CAIR NOx ozone season unit before issuance of a CAIR opt-in permit for such unit.

(C) CAIR designated representative.

Any CAIR NOx ozone season opt-in unit, and any unit for which a CAIR opt-in permit application is submitted and not withdrawn and a CAIR opt-in permit is not yet issued or denied under this rule, located at the same source as one or more CAIR NOx ozone season units shall have the same CAIR designated representative

and alternate CAIR designated representative as such CAIR NOx ozone season units.

(D) Applying for CAIR opt-in permit.

(1) Applying for initial CAIR opt-in permit. The CAIR designated representative of a unit meeting the requirements for a CAIR NOx ozone season opt-in unit in paragraph (A) of this rule may apply for an initial CAIR opt-in permit at any time, except as provided under paragraphs (G)(6) and (G)(7) of this rule, and, in order to apply, must submit the following:

(a) A complete CAIR permit application under paragraph (C) of rule 3745-109-16 of the Administrative Code;

(b) A certification, in a format specified by the director, that the unit:

(i) Is not a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code and is not covered by a retired unit exemption under paragraph (D) of rule 3745-109-01 of the Administrative Code that is in effect;

(ii) Is not covered by a retired unit exemption under 40 CFR 72.8 that is in effect;

(iii) Vents all of its emissions to a stack; and

(iv) Has documented heat input for more than eight hundred seventy-six hours during the six months immediately preceding submission of the CAIR permit application under paragraph (C) of rule 3745-109-16 of the Administrative Code;

(c) A monitoring plan in accordance with rule 3745-109-20 of the Administrative Code;

(d) A complete certificate of representation under paragraph (D) of rule 3745-109-15 of the Administrative Code consistent with paragraph (C) of this rule, if no CAIR designated representative has been previously designated for the source that includes the unit; and

(e) A statement, in a format specified by the director, whether the CAIR designated representative requests that the unit be allocated CAIR NOx ozone season allowances under paragraph (I)(2) or (I)(3) of this rule (subject to the conditions in paragraphs (E)(8) and (G)(7) of this rule). If allocation under paragraph (I)(3) of this rule is requested, this statement shall include a statement that the owners and operators of the unit intend to repower the unit before January 1, 2015 and that they will

provide, upon request, documentation demonstrating such intent.

(2) Duty to reapply.

(a) The CAIR designated representative of a CAIR NO_x ozone season opt-in unit shall submit a complete CAIR permit application under paragraph (C) of rule 3745-109-16 of the Administrative Code to renew the CAIR opt-in unit permit in accordance with the director's regulations for Title V operating permits, or the director's regulations for other federally enforceable permits if applicable, addressing permit renewal.

(b) Unless the director issues a notification of acceptance of withdrawal of the CAIR NO_x ozone season opt-in unit from the CAIR NO_x ozone season trading program in accordance with paragraph (G) of this rule or the unit becomes a CAIR NO_x ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code, the CAIR NO_x ozone season opt-in unit shall remain subject to the requirements for a CAIR NO_x ozone season opt-in unit, even if the CAIR designated representative for the CAIR NO_x ozone season opt-in unit fails to submit a CAIR permit application that is required for renewal of the CAIR opt-in permit under paragraph (D)(2)(a) of this rule.

(E) Opt-in process.

The director shall issue or deny a CAIR opt-in permit for a unit for which an initial application for a CAIR opt-in permit under paragraph (D) of this rule is submitted in accordance with the following:

(1) Interim review of monitoring plan. The director and the administrator shall determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a CAIR opt-in permit under paragraph (D) of this rule. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that the NO_x emissions rate and heat input of the unit and all other applicable parameters are monitored and reported in accordance with rule 3745-109-20 of the Administrative Code. A determination of sufficiency shall not be construed as acceptance or approval of the monitoring plan.

(2) Monitoring and reporting.

(a) Monitoring.

(i) If the director and the administrator determine that the monitoring plan is sufficient under paragraph (E)(1) of this rule, the owner or operator shall monitor and report the NO_x emissions rate and the heat input of the unit and all other applicable parameters, in accordance with rule 3745-109-20 of the Administrative Code,

starting on the date of certification of the appropriate monitoring systems under rule 3745-109-20 of the Administrative Code and continuing until a CAIR opt-in permit is denied under paragraph (E)(6) of this rule or, if a CAIR opt-in permit is issued, the date and time when the unit is withdrawn from the CAIR NOx ozone season trading program in accordance with paragraph (G) of this rule.

(ii) The monitoring and reporting under paragraph (E)(2)(a)(i) of this rule shall include the entire control period immediately before the date on which the unit enters the CAIR NOx ozone season trading program under paragraph (E)(7) of this rule, during which period monitoring system availability must not be less than ninety per cent under rule 3745-109-20 of the Administrative Code and the unit must be in full compliance with any applicable state or federal emissions or emissions-related requirements.

(b) To the extent the NOx emissions rate and the heat input of the unit are monitored and reported in accordance with rule 3745-109-20 of the Administrative Code for one or more control periods, in addition to the control period under paragraph (E)(2)(a)(ii) of this rule, during which control periods monitoring system availability is not less than ninety per cent under rule 3745-109-20 of the Administrative Code and the unit is in full compliance with any applicable state or federal emissions or emissions-related requirements and which control periods begin not more than three years before the unit enters the CAIR NOx ozone season trading program under paragraph (E)(7) of this rule, such information shall be used as provided in paragraphs (E)(3) and (E)(4) of this section.

(3) Baseline heat input. The unit's baseline heat rate shall equal:

(a) If the unit's NOx emissions rate and heat input are monitored and reported for only one control period, in accordance with paragraph (E)(2)(a) of this rule, the unit's total heat input (in mmBtu) for the control period; or

(b) If the unit's NOx emissions rate and heat input are monitored and reported for more than one control period, in accordance with paragraphs (E)(2)(a) and (E)(2)(b) of this rule, the average of the amounts of the unit's total heat input (in mmBtu) for the control periods under paragraphs (E)(2)(a)(ii) and (E)(2)(b) of this rule.

(4) Baseline NOx emission rate. The unit's baseline NOx emission rate shall equal:

(a) If the unit's NOx emissions rate and heat input are monitored and reported for only one control period, in accordance with paragraph (E)(2)(a) of

this rule of this section, the unit's NOx emissions rate (in pounds per mmBtu) for the control period;

(b) If the unit's NOx emissions rate and heat input are monitored and reported for more than one control period, in accordance with paragraphs (E)(2)(a) and (E)(2)(b) of this rule, and the unit does not have add-on NOx emission controls during any such control periods, the average of the amounts of the unit's NOx emissions rate (in pounds per mmBtu) for the control periods under paragraphs (E)(2)(a)(ii) and (E)(2)(b) of this rule; or

(c) If the unit's NOx emissions rate and heat input are monitored and reported for more than one control period, in accordance with paragraphs (E)(2)(a) and (E)(2)(b) of this rule, and the unit has add-on NOx emission controls during any such control periods, the average of the amounts of the unit's NOx emissions rate (in pounds per mmBtu) for such control periods during which the unit has add-on NOx emission controls.

(5) Issuance of CAIR opt-in permit. After calculating the baseline heat input and the baseline NOx emissions rate for the unit under paragraphs (E)(3) and (E)(4) of this rule and if the director determines that the CAIR designated representative shows that the unit meets the requirements for a CAIR NOx ozone season opt-in unit in paragraph (A) of this rule and meets the elements certified in paragraph (D)(1)(b) of this rule, the director shall issue a CAIR opt-in permit. The director shall provide a copy of the CAIR opt-in permit to the administrator, who shall then establish a compliance account for the source that includes the CAIR NOx ozone season opt-in unit unless the source already has a compliance account.

(6) Issuance of denial of CAIR opt-in permit. Notwithstanding paragraphs (E)(1) to (E)(5) of this rule, if at any time before issuance of a CAIR opt-in permit for the unit, the director determines that the CAIR designated representative fails to show that the unit meets the requirements for a CAIR NOx ozone season opt-in unit in paragraph (A) of this rule or meets the elements certified in paragraph (D)(1)(b) of this rule, the director shall issue a denial of a CAIR opt-in permit for the unit.

(7) Date of entry into CAIR NOx ozone season trading program. A unit for which an initial CAIR opt-in permit is issued by the director shall become a CAIR NOx ozone season opt-in unit, and a CAIR NOx ozone season unit, as of the later of May 1, 2009 or May first of the first control period during which such CAIR opt-in permit is issued.

(8) Repowered CAIR NOx ozone season opt-in unit.

- (a) If a CAIR designated representative requests, and the director issues a CAIR opt-in permit providing for, allocation to a CAIR NOx ozone season opt-in unit of CAIR NOx ozone season allowances under paragraph (I)(3) of this rule and such unit is repowered after its date of entry into the CAIR NOx ozone season trading program under paragraph (E)(7) of this rule, the repowered unit shall be treated as a CAIR NOx ozone season opt-in unit replacing the original CAIR NOx ozone season opt-in unit, as of the date of start-up of the repowered unit's combustion chamber.
- (b) Notwithstanding paragraphs (E)(3) and (E)(4) of this rule, as of the date of start-up under paragraph (E)(8)(a) of this rule, the repowered unit shall be deemed to have the same date of commencement of operation, date of commencement of commercial operation, baseline heat input, and baseline NOx emission rate as the original CAIR NOx ozone season opt-in unit, and the original CAIR NOx ozone season opt-in unit shall no longer be treated as a CAIR NOx ozone season opt-in unit or a CAIR NOx ozone season unit.

(F) CAIR opt-in permit contents.

(1) Each CAIR opt-in permit shall contain:

- (a) All elements required for a complete CAIR permit application under paragraph (D) of this rule;
- (b) The certification in paragraph (D)(1)(b) of this rule;
- (c) The unit's baseline heat input under paragraph (E)(3) of this rule;
- (d) The unit's baseline NOx emission rate under paragraph (E)(4) of this rule;
- (e) A statement whether the unit is to be allocated CAIR NOx allowances under paragraph (I)(2) or (I)(3) of this rule (subject to the conditions in paragraphs (E)(8) and (G)(7) of this rule;
- (f) A statement that the unit may withdraw from the CAIR NOx ozone season trading program only in accordance with paragraph (G) of this rule; and
- (g) A statement that the unit is subject to, and the owners and operators of the unit must comply with, the requirements of paragraph (H) of this rule.

(2) Each CAIR opt-in permit is deemed to incorporate automatically the definitions of terms under paragraph (B) of rule 3745-109-01 of the Administrative Code and, upon recordation by the administrator under rules 3745-109-18 and 3745-109-19 of the Administrative Code or this rule, every allocation,

transfer, or deduction of CAIR NOx ozone season allowances to or from the compliance account of the source that includes a CAIR NOx ozone season opt-in unit covered by the CAIR opt-in permit.

- (3) The CAIR opt-in permit shall be included, in a format specified by the permitting authority, in the CAIR permit for the source where the CAIR NOx ozone season opt-in unit is located and in a Title V operating permit or other federally enforceable permit for the source.

(G) Withdrawal from CAIR NOx ozone season trading program.

Except as provided under paragraph (G)(7) of this rule, a CAIR NOx ozone season opt-in unit may withdraw from the CAIR NOx ozone season trading program, but only if the director issues a notification to the CAIR designated representative of the CAIR NOx ozone season opt-in unit of the acceptance of the withdrawal of the CAIR NOx ozone season opt-in unit in accordance with paragraph (G)(4) of this rule.

- (1) Requesting withdrawal. In order to withdraw a CAIR NOx ozone season opt-in unit from the CAIR NOx ozone season trading program, the CAIR designated representative of the CAIR NOx ozone season opt-in unit shall submit to the director a request to withdraw effective as of midnight of September thirtieth of a specified calendar year, which date must be at least four years after September thirtieth of the year of entry into the CAIR NOx ozone season trading program under paragraph (E)(7) of rule 3745-109-16 of the Administrative Code. The request must be submitted no later than ninety days before the requested effective date of withdrawal.

- (2) Conditions for withdrawal. Before a CAIR NOx ozone season opt-in unit covered by a request under paragraph (G)(1) of this rule may withdraw from the CAIR NOx ozone season trading program and the CAIR opt-in permit may be terminated under paragraph (G)(5) of this rule, the following conditions must be met.

- (a) For the control period ending on the date on which the withdrawal is to be effective, the source that includes the CAIR NOx ozone season opt-in unit must meet the requirement to hold CAIR NOx ozone season allowances under paragraph (E)(3) of rule 3745-109-01 of the Administrative Code and cannot have any excess emissions.

- (b) After the requirement for withdrawal under paragraph (G)(2)(a) of this rule is met, the administrator shall deduct from the compliance account of the source that includes the CAIR NOx ozone season opt-in unit CAIR NOx ozone season allowances equal in amount to and allocated for the same or a prior control period as any CAIR NOx ozone season allowances allocated to the CAIR NOx ozone season opt-in unit under

paragraph (I) of this rule for any control period for which the withdrawal is to be effective. If there are no remaining CAIR NOx ozone season units at the source, the administrator shall close the compliance account, and the owners and operators of the CAIR NOx ozone season opt-in unit may submit a CAIR NOx ozone season allowance transfer for any remaining CAIR NOx ozone season allowances to another CAIR NOx ozone season allowance tracking system in accordance with rule 3745-109-16 of the Administrative Code.

(3) Notification.

(a) After the requirements for withdrawal under paragraphs (G)(1) and (G)(2) of this rule are met (including deduction of the full amount of CAIR NOx ozone season allowances required), the director shall issue a notification to the CAIR designated representative of the CAIR NOx ozone season opt-in unit of the acceptance of the withdrawal of the CAIR NOx ozone season opt-in unit as of midnight on September thirtieth of the calendar year for which the withdrawal was requested.

(b) If the requirements for withdrawal under paragraphs (G)(1) and (G)(2) of this rule are not met, the director shall issue a notification to the CAIR designated representative of the CAIR NOx ozone season opt-in unit that the CAIR NOx ozone season opt-in unit's request to withdraw is denied. Such CAIR NOx opt-in unit shall continue to be a CAIR NOx ozone season opt-in unit.

(4) Permit amendment. After the director issues a notification under paragraph (G)(3)(a) of this rule that the requirements for withdrawal have been met, the director shall revise the CAIR permit covering the CAIR NOx ozone season opt-in unit to terminate the CAIR opt-in permit for such unit as of the effective date specified under paragraph (G)(3)(a) of this rule. The unit shall continue to be a CAIR NOx ozone season opt-in unit until the effective date of the termination and shall comply with all requirements under the CAIR NOx ozone season trading program concerning any control periods for which the unit is a CAIR NOx ozone season opt-in unit, even if such requirements arise or must be complied with after the withdrawal takes effect.

(5) Reapplication upon failure to meet conditions of withdrawal. If the director denies the CAIR NOx ozone season opt-in unit's request to withdraw, the CAIR designated representative may submit another request to withdraw in accordance with paragraphs paragraph (I) of this rule.

(6) Ability to reapply to the CAIR NOx ozone season trading program. Once a CAIR NOx ozone season opt-in unit withdraws from the CAIR NOx ozone season trading program and its CAIR opt-in permit is terminated under this

section, the CAIR designated representative may not submit another application for a CAIR opt-in permit under paragraph (D) of this rule for such CAIR NOx ozone season opt-in unit before the date that is four years after the date on which the withdrawal became effective. Such new application for a CAIR opt-in permit shall be treated as an initial application for a CAIR opt-in permit under paragraph (E) of this rule.

- (7) Inability to withdraw. Notwithstanding paragraphs (G)(1) to (G)(6) of this rule, a CAIR NOx ozone season opt-in unit shall not be eligible to withdraw from the CAIR NOx ozone season trading program if the CAIR designated representative of the CAIR NOx opt-in unit requests, and the director issues a CAIR opt-in permit providing for, allocation to the CAIR NOx ozone season opt-in unit of CAIR NOx ozone season allowances under paragraph (I)(3) of this rule.

(H) Change in regulatory status.

- (1) Notification. If a CAIR NOx ozone season opt-in unit becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code, then the CAIR designated representative shall notify in writing the director and the administrator of such change in the CAIR NOx ozone season opt-in unit's regulatory status, within thirty days of such change.

(2) Director's and administrator's actions.

- (a) If a CAIR NOx ozone season opt-in unit becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code, the director shall revise the CAIR NOx ozone season opt-in unit's CAIR opt-in permit to meet the requirements of a CAIR permit under paragraph (D) of rule 3745-109-16 of the Administrative Code, and remove the CAIR opt-in permit provisions, as of the date on which the CAIR NOx ozone season opt-in unit becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code.

(b) Allowance deductions.

- (i) The administrator shall deduct from the compliance account of the source that includes the CAIR NOx ozone season opt-in unit that becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code, CAIR NOx ozone season allowances equal in amount to and allocated for the same or a prior control period as:

- (a) Any CAIR NOx ozone season allowances allocated to the CAIR NOx ozone season opt-in unit under paragraph (I) of

this rule for any control period after the date on which the CAIR NOx ozone season opt-in unit becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code; and

(b) If the date on which the CAIR NOx ozone season opt-in unit becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code is not September thirtieth, the CAIR NOx ozone season allowances allocated to the CAIR NOx ozone season opt-in unit under paragraph (I) of this rule for the control period that includes the date on which the CAIR NOx ozone season opt-in unit becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code, multiplied by the ratio of the number of days, in the control period, starting with the date on which the CAIR NOx ozone season opt-in unit becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code divided by the total number of days in the control period and rounded to the nearest whole allowance as appropriate.

(ii) The CAIR designated representative shall ensure that the compliance account of the source that includes the CAIR NOx ozone season unit that becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code contains the CAIR NOx ozone season allowances necessary for completion of the deduction under paragraph (H)(2)(b)(i) of this rule.

(c) Allowance allocations.

(i) For every control period after the date on which the CAIR NOx ozone season opt-in unit becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code, the CAIR NOx ozone season opt-in unit shall be allocated CAIR NOx ozone season allocations under paragraph (C) of rule 3745-109-17 of the Administrative Code.

(ii) If the date on which the CAIR NOx ozone season opt-in unit becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code is not September thirty, the following amount of CAIR NOx ozone season allowances shall be allocated to the CAIR NOx ozone season opt-in unit (as a CAIR NOx ozone season unit) under paragraph (C) of rule 3745-109-17 of the Administrative Code for the

control period that includes the date on which the CAIR NOx ozone season opt-in unit becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code;

(a) The amount of CAIR NOx ozone season allowances otherwise allocated to the CAIR NOx ozone season opt-in unit (as a CAIR NOx ozone season unit) under paragraph (C) of rule 3745-109-17 of the Administrative Code for the control period multiplied by;

(b) The ratio of the number of days, in the control period, starting with the date on which the CAIR NOx ozone season opt-in unit becomes a CAIR NOx ozone season unit under paragraph (C) of rule 3745-109-01 of the Administrative Code, divided by the total number of days in the control period; and

(c) Rounded to the nearest whole allowance as appropriate.

(I) CAIR NOx ozone season allowance allocations to CAIR NOx ozone season opt-in units.

(1) Timing requirements.

(a) When the CAIR opt-in permit is issued under paragraph (E)(5) of this rule, the director shall allocate CAIR NOx ozone season allowances to the CAIR NOx ozone season opt-in unit, and submit to the administrator the allocation for the control period in which a CAIR NOx ozone season opt-in unit enters the CAIR NOx ozone season trading program under paragraph (E)(7) of this rule, in accordance with paragraph (I)(2) or (I)(3) of this rule.

(b) By no later than July thirty-first, of the control period after the control period in which a CAIR NOx ozone season opt-in unit enters the CAIR NOx ozone season trading program under paragraph (E)(7) of this rule, and July thirty-first of each year thereafter, the director shall allocate CAIR NOx ozone season allowances to the CAIR NOx ozone season opt-in unit, and submit to the administrator the allocation for the control period that includes such submission deadline and in which the unit is a CAIR NOx ozone season opt-in unit, in accordance with paragraph (I)(2) or (I)(3) of this rule.

(2) Calculation of allocation. For each control period for which a CAIR NOx ozone season opt-in unit is to be allocated CAIR NOx ozone season allowances, the director shall allocate allowances in accordance with the following procedures:

- (a) The heat input (in mmBtu) used for calculating the CAIR NOx ozone season allowance allocation shall be the lesser of:

 - (i) The CAIR NOx ozone season opt-in unit's baseline heat input determined under paragraph (E)(3) of this rule; or
 - (ii) The CAIR NOx ozone season opt-in unit's heat input, as determined in accordance with rule 3745-109-20 of the Administrative Code, for the immediately prior control period, except when the allocation is being calculated for the control period in which the CAIR NOx ozone season opt-in unit enters the CAIR NOx ozone season trading program under paragraph (E)(7) of this rule.
- (b) The NOx emission rate (in pounds per mmBtu) used for calculating CAIR NOx ozone season allowance allocations shall be the lesser of:

 - (i) The CAIR NOx ozone season opt-in unit's baseline NOx emissions rate (in pounds per mmBtu) determined under paragraph (E)(4) of this rule and multiplied by seventy per cent; or
 - (ii) The most stringent state or federal NOx emissions limitation applicable to the CAIR NOx ozone season opt-in unit at any time during the control period for which CAIR NOx ozone season allowances are to be allocated.
- (c) The director shall allocate CAIR NOx ozone season allowances to the CAIR NOx ozone season opt-in unit in an amount equaling the heat input under paragraph (I)(2)(a) of this rule, multiplied by the NOx emission rate under paragraph (I)(2)(b) of this rule, divided by two thousand pounds per ton, and rounded to the nearest whole allowance as appropriate.
- (3) Notwithstanding paragraph (I)(2) of this rule and if the CAIR designated representative requests, and the director issues a CAIR opt-in permit (based on a demonstration of the intent to repower stated under paragraph (D)(1)(e) of this rule) providing for, allocation to a CAIR NOx ozone season opt-in unit of CAIR NOx ozone season allowances under this paragraph (subject to the conditions in paragraphs (E)(8) and (G)(7) of this rule), the director shall allocate to the CAIR NOx ozone season opt-in unit as follows:

 - (a) For each control period in 2009 to 2014 for which the CAIR NOx ozone season opt-in unit is to be allocated CAIR NOx ozone season allowances:

 - (i) The heat input (in mmBtu) used for calculating CAIR NOx ozone season allowance allocations shall be determined as described in

paragraph (I)(2)(a) of this rule;

(ii) The NO_x emission rate (in pounds per mmBtu) used for calculating CAIR NO_x ozone season allowance allocations shall be the lesser of:

(a) The CAIR NO_x ozone season opt-in unit's baseline NO_x emissions rate (in pounds per mmBtu) determined under paragraph (E)(4) of this rule; or

(b) The most stringent state or federal NO_x emissions limitation applicable to the CAIR NO_x ozone season opt-in unit at any time during the control period in which the CAIR NO_x ozone season opt-in unit enters the CAIR NO_x ozone season trading program under paragraph (E)(7) of this rule;

(iii) The director shall allocate CAIR NO_x ozone season allowances to the CAIR NO_x ozone season opt-in unit in an amount equaling the heat input under paragraph (I)(3)(a)(i) of this rule, multiplied by the NO_x emission rate under paragraph (I)(3)(a)(ii) of this rule, divided by two thousand pounds per ton, and rounded to the nearest whole allowance as appropriate;

(b) For each control period in 2015 and thereafter for which the CAIR NO_x ozone season opt-in unit is to be allocated CAIR NO_x ozone season allowances:

(i) The heat input (in mmBtu) used for calculating the CAIR NO_x ozone season allowance allocations shall be determined as described in paragraph (I)(2)(a) of this rule;

(ii) The NO_x emission rate (in pounds per mmBtu) used for calculating the CAIR NO_x ozone season allowance allocation shall be the lesser of:

(a) 0.12 pounds per mmBtu;

(b) The CAIR NO_x ozone season opt-in unit's baseline NO_x emissions rate (in pounds per mmBtu) determined under paragraph (E)(4) of this rule; or

(c) The most stringent state or federal NO_x emissions limitation applicable to the CAIR NO_x ozone season opt-in unit at any time during the control period for which CAIR NO_x ozone season allowances are to be allocated;

(iii) The director shall allocate CAIR NO_x ozone season allowances to

the CAIR NOx ozone season opt-in unit in an amount equaling the heat input under paragraph (I)(3)(a)(i) of this rule, multiplied by the NOx emission rate under paragraph (I)(3)(a)(ii) of this rule, divided by two thousand pounds per ton, and rounded to the nearest whole allowance as appropriate.

(4) Recordation.

- (a) The administrator shall record, in the compliance account of the source that includes the CAIR NOx ozone season opt-in unit, the CAIR NOx ozone season allowances allocated by the director to the CAIR NOx ozone season opt-in unit under paragraph (I)(1)(a) of this rule.
- (b) By September first, after the control period in which a CAIR ozone season opt-in unit enters the CAIR NOx ozone season trading program under paragraph (E)(7) of this rule, and September first of each year thereafter, the administrator shall record, in the compliance account of the source that includes the CAIR NOx ozone season opt-in unit, the CAIR NOx ozone season allowances allocated by the director to the CAIR NOx ozone season opt-in unit under paragraph (I)(1)(b) of this rule.

Effective: 09/27/2007

R.C. 119.032 review dates: 09/27/2012

CERTIFIED ELECTRONICALLY

Certification

09/17/2007

Date

Promulgated Under: 119.03
Statutory Authority: 3704.03(E)
Rule Amplifies: 3704.03(A), 3704.03(E), 3704.03(V)